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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,323	07/11/2007	Vladimir Nikolaevich Andoskin	87382	4616
22342 7590 05/06/2009 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LASALLE STREET SUITE 1600 CHICAGO, IL 60603-3406				
EXAMINER				
WRIGHT, GIOVANNA COLLINS				
ART UNIT		PAPER NUMBER		
3672				
MAIL DATE		DELIVERY MODE		
05/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/568,323

Applicant(s)

ANDOSKIN ET AL.

Examiner

GIOVANNA C. WRIGHT

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 February 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

The abstract of the disclosure is objected to because the abstract using such phrases as "The invention relates to", "The inventive control device consists of", "Said section", and "Said invention".

Additionally the abstract refers to the purported merits of the invention in the last sentence.

Correction is required. See MPEP § 608.01(b).

Drawings

The drawings are objected to because the ends of the broken line to indicate a sectional view should be designated by Arabic or Roman numerals corresponding to the

view number of the sectional view. See MPEP 37 CFR 1.84 (h) (3). For instance, in Figure 2, section lines "C-C" should be changed to -- 10C-10C- --.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 1 is objected to because of the following informalities:

In claim 1, line 10, the phrase "the first and second tubular elements" should be changed to -- the first and second hollow tubular elements --, in order to be consistent in the claim.

In claim 1, line 13, the phrase "the first tubular element" should be changed to -- the first hollow tubular element --, in order to be consistent in the claim.

In claim 1, lines 17-19 and 21, the phrases "the inner hollow element" should be changed to -- the inner hollow tubular element --, in order to be consistent in the claim.

In claim 1, line 31, the phrase "the first element" should be changed to -- the first hollow tubular element --, in order to be consistent in the claim

Claim 2 is objected to because of the following informalities: In claim 2, line 7, the phrase "the tubular element" should be changed to -- the respective tubular element --, in order to be consistent in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the motor housing" in line 16. There is insufficient antecedent basis for this limitation in the claim, as this limitation has not been previously recited.

Claim 1 recites the limitation "the longest distance" in lines 22 and 25. There is insufficient antecedent basis for these limitations in the claim, as these limitations have not been previously recited.

Claim 1 recites the limitation "the rotor eccentricity" in line 23. There is insufficient antecedent basis for this limitation in the claim, as this limitation has not been previously recited.

Claim 1 recites the limitation "the gerotor type motor stator" in lines 23-24. There is insufficient antecedent basis for this limitation in the claim, as this limitation has not been previously recited.

Claim 1 recites the limitation "the spindle meridian plane" in line 35. There is insufficient antecedent basis for this limitation in the claim, as this limitation has not been previously recited.

Claim 1 recites the limitation "the drilling string bending plane" in lines 35-36. There is insufficient antecedent basis for this limitation in the claim, as this limitation has not been previously recited.

Claim 1 recites the limitation "the proximate edges" in line 36. There is insufficient antecedent basis for this limitation in the claim, as this limitation has not been previously recited.

Claim 1 recites the limitation "the angular deviation" in lines 39-40. There is insufficient antecedent basis for this limitation in the claim, as this limitation has not been previously recited.

In lines 40-41, of claim 1, the applicant recites the phrase "the first hollow tubular element's contact segmental section". It is unclear what the lone "s" is supposed to represent. It appears that the applicant intended to recite - - the first hollow tubular element's contact segmental section- - .

Claim 2 recites the limitation "the external face" in line 5. There is insufficient antecedent basis for this limitation in the claim, as this limitation has not been previously recited.

Allowable Subject Matter

3. Claims 1-2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIOVANNA C. WRIGHT whose telephone number is (571)272-7027. The examiner can normally be reached on 7:30-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Giovanna C. Wright/
Primary Examiner, Art Unit 3672